

Message Text

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ORIGIN L-03

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ARA-LA/BC - ROBERT PACE

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FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ

C O N F I D E N T I A L STATE 176023

E.O. 11652: GDS

TAGS: EMIN, BL, US

SUBJECT: IMPC/EMBOSA

1. ROBERT ARANGIO, ATTORNEY REPRESENTING IMPC, HAS PROVIDED DEPARTMENT WITH COPY OF COMPLAINT HE PREPARED TO FILE IN U.S. DISTRICT COURT AGAINST COMIBOL AND GOB. COMPLAINT ALLEGES THAT GOB EXPROPRIATED IMPC, AND THAT DUE TO FAILURE OF COMIBOL TO CARRY OUT JOINT VENTURE WITH IMPC (WHICH PLAINTIFF CLAIMS WAS INHERENT PART OF AGREED COMPENSATION FOR ORIGINAL TAKING) IMPC IS DUE 6.5 MILLION DOLLARS PLUS INTEREST. ARANGIO INTENDS TO ESTABLISH JURISDICTION BY ATTACHING COMIBOL PROPERTY IN U.S.

2. ARANGIO HAS DEFERRED FILING SUIT PENDING ONE LAST EFFORT ON OUR PART TO ENCOURAGE GOB TO SETTLE. COMPANY BELIEVES THAT THREAT OF SUIT SHOULD PROVIDE ADDITIONAL LEVERAGE, SINCE LITIGATION WOULD TIE UP COMIBOL PROPERTY
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IN U.S. PENDING OUTCOME.

3. EMBASSY IS REQUESTED TO ADVISE APPROPRIATE GOB OFFICIALS THAT COMPLAINT HAS BEEN PREPARED. YOU SHOULD NOTE, HOWEVER, THAT RATHER THAN PROCEEDING IN COURT, IMPC WOULD BE PREPARED TO HOLD DISCUSSIONS AT A MUTUALLY CONVENIENT LOCATION IN GOOD FAITH EFFORT TO REACH NEGOTIATED SETTLEMENT.

COMPANY BELIEVES THAT SUCH DISCUSSIONS COULD BE PRODUCTIVE AND WOULD BE PREFERABLE TO LITIGATION FROM STANDPOINT OF BOTH PARTIES. COMPANY HAS STATED THAT FRANK TYE WILL NOT REPRESENT IMPC IN ANY FUTURE DISCUSSIONS WITH GOB IN ORDER TO AVOID PERSONALITY CONFLICTS THAT HAVE ARISEN IN THE PAST. IMPC WOULD PROBABLY BE REPRESENTED BY ITS LEGAL COUNSEL WHO IS NOT PERSONALLY INVOLVED IN PAST DISPUTES AND WHO SEEMS GENUINELY INTERESTED IN ATTEMPTING TO REACH A MUTUALLY SATISFACTORY SETTLEMENT.

4. YOU SHOULD ADD THAT USG CANNOT OF COURSE STOP IMPC FROM PROCEEDING WITH JUDICIAL REMEDIES SHOULD THEY DETERMINE THAT TO BE IN THEIR INTEREST. WE BELIEVE HOWEVER, THAT IT WOULD BE IN THE INTEREST OF NEITHER GOVERNMENT FOR THE MATTER TO GO TO LITIGATION IN U.S. COURTS. ACCORDINGLY, WE ARE ENCOURAGING BOTH PARTIES TO MAKE A SERIOUS EFFORT TO RESOLVE THEIR DIFFERENCES ON A NEGOTIATED BASIS.

5. IMPC HAS AGREED TO HOLD OFF PROCEEDING FOR A REASONABLE TIME TO ALLOW GOB TO RESPOND. PLEASE KEEP DEPT. ADVISED OF GOB REACTIONS. KISSINGER

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